

# Cole Schotz P.C.

Ilana Volkov  
Member  
Admitted in NJ and NY

Reply to New Jersey Office  
Writer's Direct Line: 201-525-6269  
Writer's Direct Fax: 201-678-6269  
Writer's E-Mail: [ivolkov@coleschotz.com](mailto:ivolkov@coleschotz.com)

Court Plaza North  
25 Main Street  
P.O. Box 800  
Hackensack, NJ 07602-0800  
201-489-3000 201-489-1536 fax  
—  
New York  
—  
Delaware  
—  
Maryland  
—  
Texas

March 18, 2015

## Via CM/ECF Filing

Honorable Martin Glenn, U.S.B.J.  
United States Bankruptcy Court  
for the Southern District of New York  
One Bowling Green  
New York, NY 10004

Re: In re: Caledonian Bank Limited - Case No. 15-10324 (MG)

Dear Judge Glenn:

I appeared before Your Honor yesterday on behalf of certain depositors called the "Cole Schotz Clients" at the hearing on the request of the joint official liquidators (the "Liquidators") of Caledonian Bank Limited ("Caledonian Bank") for entry of a recognition order pursuant to 11 U.S.C. §1517 and granting certain additional relief pursuant to 11 U.S.C. § 1521. Your Honor directed me to file with the Court the names and addresses of the Cole Schotz Clients. In addition, Your Honor asked whether there were any individual depositors from the United States and how many clients in total comprise the Cole Schotz Clients. Based on information provided to me by the Cole Schotz Clients and a document I had with me in Court, I responded that I understood there to be two individual United States residents and 64 clients in total.

Following the hearing and in order to respond to Your Honor's directive, I conferred with our clients. Preliminarily, I would like to correct the record with respect to the information I provided, in that none of the Cole Schotz Clients is an individual. In addition, it appears the number of Cole Schotz Clients is not 64; rather, the Cole Schotz Clients consist of 58 entities holding collectively 61 separate accounts at Caledonian Bank. All the Cole Schotz Clients are Cayman Islands entities.

Additionally, the Cole Schotz Clients continue to have grave concerns regarding the public disclosure of their identity for a variety of reasons. First, at the time they entered into a business relationship with Caledonian Bank, the Cole Schotz Clients justifiably expected and were assured that their identity would be kept strictly confidential at all times in accordance with applicable Cayman law and pursuant to, *inter alia*, their depositor agreements with Caledonian Bank. Second, many of the Cole Schotz Clients are special purpose entities created for clients to invest in alternative investments around the world. In the highly competitive investment management industry, it would be extremely harmful for the Cole Schotz Clients to disclose where funds or

Cole Schotz P.C.

Honorable Martin Glenn, U.S.B.J.

March 18, 2015

Page 2

investments are held, which entities make investments, with whom investments are made, and/or how investments are structured. Third, there is significant concern that the disclosure of the names of the Cole Schotz Clients would reveal extremely confidential information regarding any connections they might have with each other.

Based on our dialogue and Your Honor's exchange with counsel for SIFCO, I understood that Your Honor's focus was on whether SIFCO and the Cole Schotz Clients are foreign or US entities. In that regard, yesterday we filed three Notices of Appearance at Docket Nos. 40, 41 and 42 (attached for Your Honor's ease of reference) which disclose that the Cole Schotz Clients are all Cayman Islands entities with registered offices in the Cayman Islands. We also identified the Cole Schotz Clients by redacted Caledonian Bank Account numbers – the method we understand depositors are identified by Caledonian Bank. We respectfully submit that these filings comport with Your Honor's concern on the issue of Section 1521(b) of the Bankruptcy Code, which requires the Court to be "satisfied that the interests of creditors in the United States are sufficiently protected" as a condition to entrusting the distribution of a Chapter 15 debtor's assets to a foreign representative.

Additionally, based on Your Honor's instructions, it is our understanding that the Liquidators will be seeking leave from the court presiding over the Cayman insolvency proceeding to allow them to file Caledonian Bank's customers' names, addresses and account numbers under seal in the Chapter 15 case pending before Your Honor. On the assumption that such relief is granted to the Liquidators in the Cayman proceeding, we respectfully submit that to honor and protect the highly confidential nature of the information to be filed under seal by the Liquidators, while at the same time allow the depositors (such as the Cole Schotz Clients) who wish to protect the confidentiality of their identity to participate in this proceeding, it would be judicious to permit the use of customer identification numbers for each depositor rather than by their respective names. This is routinely done in cases where customer information is confidential and allowed to be filed under seal. See, e.g., *Denney v. Jenkins & Gilchrist, et al.*, 2004 WL 1197251, No. 03-cv-5460(SAS) (S.D.N.Y. May 19, 2004) (permitting potential participants in certified class action to elect-out of disclosing their identifying information and instead use unique, assigned identification number); *In re EOS Airlines, Inc.*, No. 08-22581(ASH) (Bankr. S.D.N.Y. May 22, 2008) [Docket No. 136, and *Notice to Customers re Scheduled Amounts* [No Docket No. assigned, filed June 19, 2008] (authorizing filing under seal of customer information and separate notice to customers regarding their assigned unique identifier number for claim assertion purposes); see also *In re Geokinetics Inc., et al.*, No. 13-10472(KJC) (Bankr. D. Del. Mar. 12, 2013) [Docket No. 78] (permitting the filing under seal of Schedules and proofs of claim containing customer information, and providing for the assignment of a customer identifier for disclosure purposes); *In re Cooperative Communications, Inc.*, No. 12-27319(NLW) (Bankr. D.N.J. July 27, 2012) [Docket No. 58] (same). The Cole Schotz Clients can then participate and be heard under the Customer ID assigned to each of them without compromising their critical concerns outlined herein.

Lastly, Your Honor should know that the Liquidators' Cayman counsel is in possession of the identity of each of the Cole Schotz Clients. In that regard, we are hopeful to work with counsel in the informal exchange of information regarding, among other things, the location of the Cole Schotz Clients' assets.

Cole Schotz P.C.

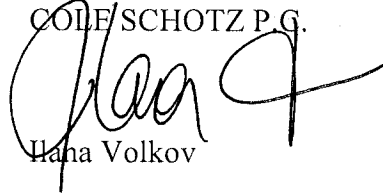
Honorable Martin Glenn, U.S.B.J.  
March 18, 2015  
Page 3

To the extent Your Honor believes additional information or briefing on the issue is required, we are available for a status conference with the Court to discuss same.

Your Honor's attention to this matter is greatly appreciated.

Respectfully submitted,

COLE/SCHOTZ P.C.

A handwritten signature in black ink, appearing to read 'Hana', with a long horizontal stroke extending to the right.

Hana Volkov

IV:rc

Enclosures

cc: Geoffrey T. Raicht, Esq. (*via e-mail*)

**COLE SCHOTZ P.C.**

900 Third Avenue, 16<sup>th</sup> Floor  
New York, NY 10022  
Telephone (212) 752-8000  
Facsimile (212) 752-8393  
Michael D. Sirota, Esq.  
Ilana Volkov, Esq.

-and-

**COLE SCHOTZ P.C.**

301 Commerce Street, Suite 1700  
Fort Worth, TX 76102  
(817) 810-5250  
(817) 810-5255 (Fax)  
Michael D. Warner, Esq.

*Attorneys for Cole Schotz  
Clients-Depositors, Part I*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

---

In re:

CALEDONIAN BANK LIMITED,

Debtor in a Foreign Proceeding.

---

:  
:  
:  
:  
:  
:  
:  
:  
:  
:

Chapter 15

Case No. 15-10324 (MG)

**NOTICE OF APPEARANCE  
AND REQUEST FOR SERVICE OF DOCUMENTS**

**PLEASE TAKE NOTICE** that pursuant to Rules 2002 and 9010(b) of the Federal Rules of Bankruptcy Procedure the undersigned attorneys hereby appear as counsel for those certain Cole Schotz clients-depositors, whose redacted account numbers at Caledonian Bank Limited and addresses are set forth on the attached “**Exhibit A**,” and demand that all notice given or required to be given in this proceeding and all related proceedings be given to and served upon:

**COLE SCHOTZ P.C.**

900 Third Avenue, 16<sup>th</sup> Floor  
New York, NY 10022

**Attn:** Michael D. Sirota, Esq.

Ilana Volkov, Esq.

Telephone: (212) 752-8000

Facsimile: (212) 752-8393

Email: [msirota@coleschotz.com](mailto:msirota@coleschotz.com)

Email: [ivolkov@coleschotz.com](mailto:ivolkov@coleschotz.com)

- and -

301 Commerce Street, Suite 1700

Fort Worth, TX 76102

**Attn:** Michael D. Warner, Esq.

Telephone: (817) 810-5250

Facsimile: (817) 810-5255

Email: [mwarner@coleschotz.com](mailto:mwarner@coleschotz.com)

**PLEASE TAKE FURTHER NOTICE** that the foregoing demand includes not only the notices and pleadings, whether formal or informal, *ex parte* or on notice, written or oral, referred to in the Federal Rules of Bankruptcy Procedure specified above, but also includes, without limitation, orders and notices with respect to any application, motion, petition, pleading, request, complaint or demand, whether formal or informal, whether written or oral and whether transferred or conveyed by mail, delivery, telephone, telegraph, telex, electronically or

otherwise, which affect or seek to affect in any way any rights or interests of the Foreign Debtor.

DATED: New York, New York  
March 17, 2015

COLE SCHOTZ P.C.  
*Attorneys for Cole Schotz Clients-Depositors –  
Part I*

By: /s/ Ilana Volkov  
Michael D. Sirota  
Ilana Volkov  
900 Third Avenue, 16<sup>th</sup> Fl.  
New York, New York 10022  
(212) 752-8000 (Phone)  
(212) 752-8393 (Fax)

- and -

Michael D. Warner, Esq.  
301 Commerce Street, Suite 1700  
Fort Worth, TX 76102  
(817) 810-5250  
(817) 810-5255 (Fax)

## **EXHIBIT A**

**Account number(s) at Caledonian Bank:**

Entity Type:

**Registered office:**

[illegible]

**Account number(s) at Caledonian Bank:**

**Entity Type:**

**Registered office:**

[illegible]

**COLE SCHOTZ P.C.**

900 Third Avenue, 16<sup>th</sup> Floor  
New York, NY 10022  
Telephone (212) 752-8000  
Facsimile (212) 752-8393  
Michael D. Sirota, Esq.  
Ilana Volkov, Esq.

-and-

**COLE SCHOTZ P.C.**

301 Commerce Street, Suite 1700  
Fort Worth, TX 76102  
(817) 810-5250  
(817) 810-5255 (Fax)  
Michael D. Warner, Esq.

*Attorneys for Cole Schotz  
Clients-Depositors, Part II*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

---

In re:

CALEDONIAN BANK LIMITED,

Debtor in a Foreign Proceeding.

---

:  
:  
: Chapter 15  
:  
: Case No. 15-10324 (MG)  
:  
:  
:

**NOTICE OF APPEARANCE  
AND REQUEST FOR SERVICE OF DOCUMENTS**

**PLEASE TAKE NOTICE** that pursuant to Rules 2002 and 9010(b) of the Federal Rules of Bankruptcy Procedure the undersigned attorneys hereby appear as counsel for those certain Cole Schotz clients-depositors, whose redacted account numbers at Caledonian Bank Limited and addresses are set forth on the attached “**Exhibit A**,” and demand that all notice given or required to be given in this proceeding and all related proceedings be given to and served upon:

**COLE SCHOTZ P.C.**

900 Third Avenue, 16<sup>th</sup> Floor  
New York, NY 10022

**Attn:** Michael D. Sirota, Esq.

Ilana Volkov, Esq.

Telephone: (212) 752-8000

Facsimile: (212) 752-8393

Email: [msirota@coleschotz.com](mailto:msirota@coleschotz.com)

Email: [ivolkov@coleschotz.com](mailto:ivolkov@coleschotz.com)

- and -

301 Commerce Street, Suite 1700

Fort Worth, TX 76102

**Attn:** Michael D. Warner, Esq.

Telephone: (817) 810-5250

Facsimile: (817) 810-5255

Email: [mwarner@coleschotz.com](mailto:mwarner@coleschotz.com)

**PLEASE TAKE FURTHER NOTICE** that the foregoing demand includes not only the notices and pleadings, whether formal or informal, *ex parte* or on notice, written or oral, referred to in the Federal Rules of Bankruptcy Procedure specified above, but also includes, without limitation, orders and notices with respect to any application, motion, petition, pleading, request, complaint or demand, whether formal or informal, whether written or oral and whether transferred or conveyed by mail, delivery, telephone, telegraph, telex, electronically or

otherwise, which affect or seek to affect in any way any rights or interests of the Foreign Debtor.

DATED: New York, New York  
March 17, 2015

COLE SCHOTZ P.C.  
*Attorneys for Cole Schotz Clients-Depositors –  
Part II*

By: /s/ Ilana Volkov  
Michael D. Sirota  
Ilana Volkov  
900 Third Avenue, 16<sup>th</sup> Fl.  
New York, New York 10022  
(212) 752-8000 (Phone)  
(212) 752-8393 (Fax)

- and -

Michael D. Warner, Esq.  
301 Commerce Street, Suite 1700  
Fort Worth, TX 76102  
(817) 810-5250  
(817) 810-5255 (Fax)

## **EXHIBIT A**

Listing of Cole Schotz Clients, dated 17 Mar 2015

| <u>Account number(s) at Caledonian Bank:</u>                  | <u>Entity Type:</u>                   | <u>Registered office:</u>   |
|---|---------------------------------------|---|
| XXXX XXX XXX721 001, XXXX XXX XXX721 002, XXXX XXX XXX721 003 | Cayman Islands exempt limited company | Maples Corporate Services Limited, PO Box 309, Ugland House, Grand Cayman, KY1-1104 |

**COLE SCHOTZ P.C.**

900 Third Avenue, 16<sup>th</sup> Floor  
New York, NY 10022  
Telephone (212) 752-8000  
Facsimile (212) 752-8393  
Michael D. Sirota, Esq.  
Ilana Volkov, Esq.

-and-

**COLE SCHOTZ P.C.**

301 Commerce Street, Suite 1700  
Fort Worth, TX 76102  
(817) 810-5250  
(817) 810-5255 (Fax)  
Michael D. Warner, Esq.

*Attorneys for Cole Schotz*  
*Clients-Depositors, Part III*

UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK

---

In re:

CALEDONIAN BANK LIMITED,

Debtor in a Foreign Proceeding.

---

:  
:  
: Chapter 15  
:  
: Case No. 15-10324 (MG)  
:  
:  
:

**NOTICE OF APPEARANCE**  
**AND REQUEST FOR SERVICE OF DOCUMENTS**

**PLEASE TAKE NOTICE** that pursuant to Rules 2002 and 9010(b) of the Federal Rules of Bankruptcy Procedure the undersigned attorneys hereby appear as counsel for those certain Cole Schotz clients-depositors, whose redacted account numbers at Caledonian Bank Limited and addresses are set forth on the attached “**Exhibit A**,” and demand that all notice given or required to be given in this proceeding and all related proceedings be given to and served upon:

**COLE SCHOTZ P.C.**

900 Third Avenue, 16<sup>th</sup> Floor  
New York, NY 10022

**Attn:** Michael D. Sirota, Esq.

Ilana Volkov, Esq.

Telephone: (212) 752-8000

Facsimile: (212) 752-8393

Email: [msirota@coleschotz.com](mailto:msirota@coleschotz.com)

Email: [ivolkov@coleschotz.com](mailto:ivolkov@coleschotz.com)

- and -

301 Commerce Street, Suite 1700

Fort Worth, TX 76102

**Attn:** Michael D. Warner, Esq.

Telephone: (817) 810-5250

Facsimile: (817) 810-5255

Email: [mwarner@coleschotz.com](mailto:mwarner@coleschotz.com)

**PLEASE TAKE FURTHER NOTICE** that the foregoing demand includes not only the notices and pleadings, whether formal or informal, *ex parte* or on notice, written or oral, referred to in the Federal Rules of Bankruptcy Procedure specified above, but also includes, without limitation, orders and notices with respect to any application, motion, petition, pleading, request, complaint or demand, whether formal or informal, whether written or oral and whether transferred or conveyed by mail, delivery, telephone, telegraph, telex, electronically or

otherwise, which affect or seek to affect in any way any rights or interests of the Foreign Debtor.

DATED: New York, New York  
March 17, 2015

COLE SCHOTZ P.C.  
*Attorneys for Cole Schotz Clients-Depositors –  
Part III*

By: /s/ Ilana Volkov  
Michael D. Sirota  
Ilana Volkov  
900 Third Avenue, 16<sup>th</sup> Fl.  
New York, New York 10022  
(212) 752-8000 (Phone)  
(212) 752-8393 (Fax)

- and -

Michael D. Warner, Esq.  
301 Commerce Street, Suite 1700  
Fort Worth, TX 76102  
(817) 810-5250  
(817) 810-5255 (Fax)

## **EXHIBIT A**

**Account number(s) at Caledonian Bank:**

**Entity Type:**

[illegible]

**Registered office:**

[illegible]